

# **EXHIBIT 8**

K5E5rowC

telephonic proceeding

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 ULKU ROWE,

4 Plaintiff,

New York, N.Y.

5 v.

19 Civ. 8655 (LGS)

6 GOOGLE, LLC,

7 Defendant.

8 -----x

9 May 14, 2020

10:48 a.m.

11 Before:

12 HON. LORNA G. SCHOFIELD,

13 District Judge

14 APPEARANCES

15  
16 OUTTEN & GOLDEN, LLP  
Attorneys for Plaintiff  
17 BY: CARA GREENE

18  
19 PAUL HASTINGS, LLP  
Attorneys for Defendant  
20 BY: KENNETH W. GAGE  
BY: CAITLIN D. BROWN

K5E5rowC

telephonic proceeding

1 level 9 were male.

2 MS. BROWN: Yes, your Honor; as of November 2019.

3 THE COURT: So, it seems to me that at least those men  
4 out of the 25 are reasonably considered comparators. I don't  
5 agree with the argument that plaintiff is restricted to the  
6 comparators at, that she has made and identified in the  
7 complaint as I agree with the legal proposition that part of  
8 the purpose of discovery is to identify comparators so that is  
9 what I am inclined to order.

10 But, let me ask the plaintiff why you wanted more than  
11 that.

12 MS. GREENE: Thank you, your Honor. This is Cara  
13 Greene.

14 While technical director may have some value in terms  
15 of assessing the comparability of individuals, in and of itself  
16 it is not determinative. What we know is that plaintiff was in  
17 an engineering role. What we have indicated to defendant is  
18 that we are not interested in the level 8 or level 9s in an  
19 unrelated role so things like marketing or operations or other  
20 types of non-engineering roles. But, as to engineering roles,  
21 the plaintiff was told repeatedly that -- in Google speak they  
22 refer to it as eng roles -- level 8 eng role is the same. To  
23 be able to assess comparability under the differing standards  
24 of the equal pay law claims and the anti-discrimination claims  
25 either we -- we don't believe that the starting point should be

K5E5rowC

telephonic proceeding

1 Ken Gage.

2 If I understand what your Honor is suggesting  
3 correctly, I want to make sure that I know whether the chicken  
4 or the egg is coming first here. If your Honor is suggesting  
5 that there be a 30(b)(6) deposition focused on this topic to  
6 then facilitate negotiations around what those comparable roles  
7 would be within L8, L9 engineering roles, I think that would  
8 make some sense. If, on the other hand, the egg is coming  
9 before the chicken, so to speak, and we are being, you are  
10 inclined to order us to respond to all of the discovery  
11 requests on this point for L8, L9 engineering roles that, I  
12 think, would be a real problem and I think overly broad  
13 because --

14 THE COURT: You can stop right there because I was  
15 contemplating the former and not the latter.

16 MR. GAGE: Okay.

17 THE COURT: What it really requires is for rather than  
18 me micro managing how you and the plaintiff figure out who is  
19 comparable, you all need to assess that between yourselves,  
20 negotiate, do a 30(b)(6) if necessary, and then go forward on  
21 that basis. The basic concept is that the comparator would be  
22 men in engineering roles at level 8 and 9 provided the  
23 engineering roles are comparable as you all negotiate and  
24 figure out.

25 MR. GAGE: Okay, your Honor. I think that path